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HOUSE BILL 841

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Al Park

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; EXPANDING RESTRICTIONS FOR
LOCATION OF THE LICENSED PREMISES OF A PERSON LICENSED PURSUANT
TO THE LIQUOR CONTROL ACT; AMENDING A SECTION OF THE NMSA 1978;
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-6B-10 NMSA 1978 (being Laws 1981,
Chapter 39, Section 45, as amended) is amended to read:

"60-6B-10. LOCATIONS NEAR CHURCH OR SCHOOL--RESTRICTIONS
ON LICENSING. --

A. No license shall be issued by the director for
the sale of alcoholic beverages at a licensed premises where
alcoholic beverages were not sold prior to July 1, 1981 that is
within three hundred feet of [~~any~~] a church or school.

B. The director shall not issue a license for the

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1 sale of alcoholic beverages at a location where alcoholic
2 beverages were not sold prior to May 1, 2003 that is within
3 three hundred feet of a daycare center, a preschool, a
4 playground, a park, a facility housing a head start program or
5 any other place where five or more children congregate in a
6 group on an average of four days or more per week.

7 C. A license may be granted for a proposed licensed
8 premises if the owner or lessee has, prior to establishment of
9 a church or school located within three hundred feet of the
10 proposed licensed premises, applied for, been granted and
11 maintained a valid building permit for the construction or
12 renovation of the proposed licensed premises and has filed on a
13 form prescribed by the director a notice of intention to apply
14 for transfer of a license to the proposed licensed premises.

15 D. A license may be granted for a proposed licensed
16 premises if a person has obtained a waiver from a local option
17 district governing body for the proposed licensed premises.

18 E. For the purposes of this section, all
19 measurements taken in order to determine the location of
20 licensed premises in relation to churches or schools shall be
21 the straight line distance from the property line of the
22 licensed premises to the property line of the church or school.

23 F. This provision shall not apply to ~~[any]~~ a church
24 that has been designated as an historical site by the cultural
25 properties review committee and ~~[which]~~ that does not have a

1 regular congregation. "

2 Section 2. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect immediately.

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